

TOWN OF DUDLEY
ANNUAL SPRING 2019 TOWN MEETING WARRANT
COMMONWEALTH OF MASSACHUSETTS

As instructed in the preceding warrant, legal voters of the Town of Dudley assembled in the Shepherd Hill High School Auditorium on Monday, May 20, 2019. The meeting was brought to order at 7:11 p.m. After the Pledge of Allegiance to the Flag, the Moderator recognized the Town Clerk to read the service of the warrant. The Moderator made announcements regarding proper decorum at a town meeting and community updates.

Moderator Christopher Starczewski informed the voters that both Town Clerk Ora Finn and Town Administrator Greg Balukonis would be retiring. He thanked them for their years of service to the Town of Dudley. The Moderator reminded the voters that there would be a Candidate's Night held at the Dudley Municipal Complex on May 23, 2019 and encouraged people to attend. He also announced the election date of June 10, 2019; the polling hours will be from 8 a.m. to 8 p.m.

Selectman Steven Sullivan was recognized by the Moderator and on behalf of the Board of Selectmen thanked both Ora Finn and Greg Balukonis.

ARTICLE 1- Unanimously accepted to receive the reports of the several Town Officers and all Committees.

ARTICLE 2- Unanimously accepted to hear and act on the recommendations of the Board of Selectmen and the Finance & Appropriation Advisory Committee.

The FAA recommended that Article 3 be accepted and that the sum of One Hundred Fourteen Dollars and Fifty Two Cents (\$114.52) be transferred from FY 2019 appropriation for the Bay Path School, Account # 0001 320 5650 02. The motion was made and seconded.

ARTICLE 3- Unanimously accepted to transfer from the FY 2019 appropriation for the Bay Path School, Account # 0001 320 5650 02 the sum of One Hundred Fourteen Dollars and Fifty Two Cents (\$114.52) to pay unpaid bills of a prior fiscal year: *Occupational Health Services- CompreCare for \$103.00 (FY18); WB Mason - \$ 11.52.*

ARTICLE 4 – Passed Over by Unanimous vote to see if the Town will vote to determine the sums of money the Town will raise and appropriate, borrow or transfer from any available funds to defray the supplemental charges and expenses of the Town and including debt and interest for Fiscal Year 2019 voted under Article 6 of the May 21, 2018 Annual Town Meeting.

On behalf of the Agricultural Commission the Moderator made a motion to amend Article 5 as follows:

The General Bylaw adopted at the October 29, 2018 Fall Town Meeting, establishing the Agricultural Advisory Commission, is amended by adding the following two sentences shown in boldfaced and italic font below at the end of paragraph (a), or take any other action relative thereto:

a). Purpose:

To establish the Agricultural Advisory Commission in the Town of Dudley to serve as a forum for matters of interest to farmers in Dudley, and to advise the Board on how the Town can best support farming in Dudley. The Commission's five (5) members shall include three (3) Dudley residents who are engaged in farming and two (2) citizens at-large interested in promoting farming. *Up to five (5) alternate members may also be appointed, at the discretion of the Board of Selectmen. Regular members shall have three year, staggered terms, and alternate members shall have one year terms.*

The motion was seconded and approved by unanimous vote.

ARTICLE 5 – Unanimously accepted as amended to amend the Agricultural Advisory Commission bylaw by adding the following sentences:

a). Purpose:

To establish the Agricultural Advisory Commission in the Town of Dudley to serve as a forum for matters of interest to farmers in Dudley, and to advise the Board on how the Town can best support farming in Dudley. The Commission's five (5) members shall include three (3) Dudley residents who are engaged in farming and two (2) citizens at-large interested in promoting farming. Up to five (5) alternate members may also be appointed, at the discretion of the Board of Selectmen. Regular members shall have three year, staggered terms, and alternate members shall have one year terms.

ARTICLE 6– Passed Over by Unanimous vote – To see if the Town will vote to create up to five (5) Alternate positions on the Agricultural Advisory Commission, who would serve for a one (1) year terms.

FAA Chairman made a motion to approve Article 7 as printed in the warrant including the sources and uses of funds totaling \$21,136,343.00 to defray the charges and expenses of the Town and provide for a reserve fund(s), determine the compensation for elected offices for the ensuing year beginning on July 1, 2019, and including payment of debt and interest.

ARTICLE 7 – Unanimously accepted as presented to defray the charges and expenses of the Town and provide for a reserve fund(s), determine the compensation for elected offices for the ensuing year beginning on July 1, 2019, and including payment of debt and interest.

GENERAL FUND	BUDGET FY 2020
ACCOUNTANT	68,242
ANIMAL CONTROL	14,806
ASSESSORS	120,357
BUILDING & GROUNDS	151,644
BUILDING INSPECTOR	66,024
CEMETERY COMMISSION	1,200
CLERK (TOWN) – (Includes Town Clerk salary of \$58,380.00)	137,098
CONSERVATION	8,451
COUNCIL ON AGING	101
EMERGENCY MGT	2,000
ECONOMIC DEVELOPMENT COMM	100
F.A.A.	15,704
FIRE DEPARTMENT	1,102,937
HEALTH	45,493
HIGHWAY	941,696
HISTORICAL COMM.	750
INFORMATION Tech.	22,746
INSPECTORS –SEALER OF WEIGHTS	2,501
LIBRARY	338,207
MODERATOR	1
MUNICIPAL EXPENSES	229,704
PARKS	0
PERSONNEL BOARD	5,300
PLANNING BOARD	50,648
POLICE	1,420,989
RECYCLING	148,050
SELECTMEN	129,786
TOWN ADMINISTRATOR	131,460
TREASURER/COLLECTOR – (Include treasurer/Collector Salary of \$90,330.56)	3,792,621
TREE WARDEN	13,750
VETERANS SERVICES	195,084
ZONING BOARD OF APPEALS	4,308
TOTAL GENERAL FUND:	9,161,757
<u>SCHOOLS</u>	
DUDLEY-CHARLTON REGIONAL	8,780,840
SO. WORCESTER COUNTY REG. VOC.	944,906
TOTAL EDUCATION:	9,725,746
State Assessments	28,344
<u>ENTERPRISE FUNDS:</u>	
Water Department	1,093,556
Sewer Department	1,007,530
TOTAL ENTERPRISE FUNDS:	2,101,086
TOTAL TOWN BUDGET (with State Assessments):	21,012,122
TOTAL TOWN BUDGET (Less State Assessments):	20,983,778

GENERAL FUND BUDGET REVENUE SOURCES:	
Taxation (Real property, personal property taxes)	12,116,053
New Growth	125,000
Debt Exclusions	1,548,263
State Aid & Reimbursements	2,111,990
Free Cash	30,740
Stabilization Fund	137,127
Local Receipts	2,961,271
*Water and Sewer Indirect Fees (from Water and Sewer User Fees/Charges)	170,900
Sub-Total Revenue Sources:	19,206,156
WATER & SEWER REVENUES:	
SEWER FUNDING: FROM SEWER FEES & CHARGES 889,297 SEWER FUNDING: FROM SEWER RETAINED EARNINGS 32,833 WATER FUNDING: FROM WATER FEES & CHARGES 840,732 WATER FUNDING: FROM WATER RETAINED EARNINGS 167,324	1,930,186
*(Note: W/S Total Budget: \$1,930,186 + \$170,900 included above = \$2,101,086)	
GRAND TOTAL FUNDING SOURCES:	21,131,530
=====	
TOTAL BUDGET EXPENSES:	
Total Budget (including schools + Water and Sewer w/o Assessments)	20,983,778
State & County & Regional Assessments	28,344
State Assessment: Cherry Sheet Offset	19,409
Overlay – Assessors	100,000
GRAND TOTAL TOWN BUDGET:	21,131,531

ARTICLE 8 – Unanimously accepted to establish and authorize for Fiscal Year 2020 and subsequent years, revolving funds established pursuant to the provisions of Chapter 44§53E1/2 of the Massachusetts General Laws. Said funds to be received by the Town Treasurer and credited to the said revolving fund and said funds to be dispersed by the Town Accountant to offset the costs for each fund. In no case shall disbursements exceed the lesser of the sums received during the year or the amount allowed under the provisions of the aforementioned General Law. Total expenses not to exceed the amount listed by each fund as noted below.

Arrest Warrant Services:	\$10,000.00
Animal Care	\$15,000.00
Board of Health Education Programs	\$ 1,000.00
Cemetery Fees:	\$ 2,000.00
COA Meals:	\$ 5,000.00
Cruiser Use:	\$50,000.00
Fire Penalties/Violations:	\$ 7,500.00
Fire Outside Details	\$25,000.00
Firearms Permit Services:	\$15,000.00

Genealogy Services:	\$ 3,000.00
Town Gift Shop:	\$ 2,000.00
Hazardous Materials Collection:	\$ 9,000.00
Inspector Services:	\$80,000.00
Library Lost Books:	\$ 5,000.00
Municipal Hearings:	\$ 2,000.00
Planning Documents:	\$ 1,000.00
Tax Title Fees:	\$75,000.00
Vet Bricks/Memorial:	\$ 6,000.00
Website:	\$ 3,000.00

FAA Chairman Michael Mayotte made a motion to accept Article 9 and to transfer funds in the amount of \$8,773.89 from the FY 2019 appropriation for the Bay Path School, Account #0001 320 5650 02; the motion was seconded.

ARTICLE 9 – Unanimously accepted to transfer from the FY 2019 appropriation for the Bay Path School, Account #0001 320 5650 02 the sum of Eight Thousand Seven Hundred Seventy Three Dollars and Eighty Nine Cents (\$8,773.89) to pay the balance of the South Worcester County Communications Center assessment for Fiscal Year 2018.

ARTICLE 10 – As declared by the Moderator, it was Defeated by Majority vote to authorize the Board of Selectmen to petition the General Court for special legislation to establish a Department of Public Works, to abolish the elected Water and Sewer Commission and transfer its powers, duties and responsibilities to the Director of Public Works, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

AN ACT AUTHORIZING THE TOWN OF DUDLEY TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law or by-law to the contrary, there is hereby established in the town of Dudley a department of public works, hereinafter called “the department”, which shall be under the supervision and control of the board of selectmen, hereinafter called “the board”, acting through the town administrator.

SECTION 2. Unless otherwise noted in this act, the board of selectmen shall have all the current powers and duties now or from time to time vested by general or special act or town by-law in the following boards, commissions, departments or officers: highway department, including the highway superintendent and the surveyors of highways; cemetery commissioners and the water and sewer department. The board shall also have the powers and duties of the board of water and sewer commissioners granted by all applicable law, including but not limited to chapter 323 of the acts of 2012, chapter 41 of the acts of 1948, chapter 252 of the acts of 1909, and chapter 40N

of the General Laws, except those conferred upon the water and sewer advisory commission as set forth in Section 8. This Act is not intended to revoke or limit the town or its board of selectmen from exercising any powers or duties previously granted to the board of water and sewer commissioners. No existing contract or liability in force on the effective date of this act shall be affected.

SECTION 3. The department shall have all the functions now or from time to time vested by general or special law or town by-law in the following departments and offices: highway department, including the highway superintendent and the surveyor of highways, and the water and sewer department. The department shall assume the responsibility for the operations of the streets and parks related to management, care and maintenance of real property. All equipment, property, facilities, funds, assets and liabilities under the care, custody and control of the elected board of water and sewer commissioners as of the effective date of this act, shall be under the care, custody and control of the board of selectmen. The provisions of section 69B of chapter 41 of the General Laws and/or the provisions of section 53F1/2 of chapter 44 of the General Laws shall control water and sewer related funds, assets and liabilities.

SECTION 4. The department may have such additional powers with respect to collection and disposal of recyclables, and refuse, the maintenance and repair streets and street lights, parks, stormwater, cemeteries, dams, engineering and the maintenance and repair of town buildings and property, with the exception of buildings and property under control of the board of library trustees, unless said trustees consent in writing, and the performance of such duties of any other boards, departments, and offices of the town as may be reasonably related to the duties of a department of public works, as the town may from time to time, by by-law provide, any other provisions of law notwithstanding.

SECTION 5. No later than ninety days prior to the beginning of each fiscal year, the board shall convene a public hearing to determine the ensuing fiscal year water and sewer budget and set equitable prices and rates for usage of the water and sewer system. The date, time and place of the hearing shall cause notice to be published in at least one newspaper of general circulation in the town of Dudley, and shall be posted at town hall and on the town's web site not less than fourteen days prior to the hearing. The board will take a recommendation from the water and sewer advisory commission established in Section 8, and testimony from any interested party and shall submit its recommendations to the town meeting, which shall act upon the budget in the same manner as all budgets.

SECTION 6. The town administrator shall recommend to the board who shall appoint by majority vote and fix the tenure and compensation of and enter into a contract with a director of public works, subject to sufficiency of appropriation and the provisions of town by-laws and personnel by-laws. The director shall exercise and perform, in conformity with the policies of the board, such powers, rights, and duties conferred upon the board under the provisions of Section 2 as said board may from time to time delegate. The director of public works shall have full charge and authority over the employees, equipment, and facilities within the department, subject to the requirements of law, by-laws, regulations, and such direction and such policies of the

board. The director of public works shall have a minimum of five years of relevant professional experience in public works construction and management. During his or her tenure, the director of public works shall hold no other elective or appointive office, nor shall the director of public works engage in any other business or occupation without prior express written authorization of the board. The director of public works shall give the town a bond with a surety company authorized to transact business in the Commonwealth as surety for the faithful performance of his/her duties in such sum and upon such conditions as the board may require. The town will pay the premium for said bond. The director of public works may designate, by letter approved by a majority vote of the board and filed with the town clerk, a qualified officer of the town to perform the director's duties in the case of absence or disability. Pending the appointment of a director, the filling of any vacancy, the failure of the director to designate a temporary director, or during the suspension of the director, the board shall appoint a suitable person to perform the duties of the director's office.

SECTION 7. The director of public works shall appoint, remove and supervise employees of the department in accordance with the town's personnel by-law, applicable provisions of the town's general by-laws and any applicable collective bargaining agreements, subject to the approval of the town administrator, and subject to town meeting appropriation where applicable. The director of public works shall supervise, direct, and be responsible for the daily operation of the department and all of its functions. This shall include any relevant board or commission appointed by the director or the board of selectmen.

The director of public works shall keep full and complete records of the department and shall render to the town administrator, as often as may be required by said town administrator but at least quarterly, a full report of all the operations under his/her control during the period reported upon, and annually shall render to the town administrator a report of all the operations under his or her control, including, but not limited to a financial report of all accounts, funds and grants, a work plan with related finance plan for the subsequent fiscal year, and a report on the accomplishments and progress made under the work plan from the preceding fiscal year. The director of public works shall have access to all town books, records and documents necessary for the proper performance of the assigned duties and responsibilities. The director of public works shall keep the town administrator advised as to the needs of the town within the scope of his duties, and shall annually, in conformity with the requirements established by the board and the town administrator, furnish to the town administrator a carefully prepared and detailed budget and work plan in writing, including estimates of the appropriations and revenue for department enterprise funds established under section 53F1/2 of chapter 44 of the General Laws required during the next fiscal year for the proper exercise and performance of all said rights and duties.

The director of public works shall be authorized to sign payrolls and bills for payment for the department, and shall perform such other duties consistent with the office as may be required by the by-laws of the town, by vote of town meeting, or by majority vote of the board.

SECTION 8. Notwithstanding any general or special law to the contrary, there shall be a three member water and sewer advisory commission, appointed by the board, for such terms as may be determined by the board, and whose powers and duties shall be limited to those expressly stated

herein. The appointed water and sewer advisory commission shall be responsible for making an annual recommendation to the board on water and sewer rates and capital improvements as part of the town's capital improvement plan, and proposing to the board and the finance and appropriations committee the annual water and sewer operating budget, in conjunction with the director of public works. Nothing in this section shall permit the appointed water and sewer advisory commission to be involved in the daily operation of the department, including the hiring and supervision of employees, approval of expenditures and warrants for payment, and setting internal departmental policy.

SECTION 9. The board shall retain all powers, duties and responsibilities associated with incurring debt.

SECTION 10. Once established, the town of Dudley may modify the duties, powers and responsibilities of the department. Integration of agencies, departments, or districts not described in this act shall require approval by a majority vote at a town meeting. Public works functions, once integrated, may be constituted as independent organizations or departments by a majority vote at a town meeting.

SECTION 11. On the effective date of this Act, the elected water and sewer commission, and the appointed positions of Highway Superintendent and Water and Sewer Superintendents, shall be abolished and their powers and duties transferred to the director of public works.

SECTION 12. This Act shall take effect 60 days after its passage

The FAA made a motion to approve Article 11 and that the sum of \$1.00 be transferred from the Stabilization Fund for the purposes of Article 11; the motion was seconded.

ARTICLE 11 – As declared by the Moderator, it was accepted by Majority vote to transfer the sum of \$1.00 from the Stabilization Fund to acquire, by purchase, gift, and/or eminent domain, permanent access and/or utility easements in, on and under a portion or portions of the parcels of land located off through property located on Lyons Road, which property is shown on Assessors Map 125 as Parcels 24 and 24.1, and described in deeds recorded with the Worcester South Registry of Deeds in Book 50712, Page 111 and Book 54771, Page 184, on such terms and conditions as the Board of Selectmen deems appropriate.

ARTICLE 12 – Unanimously accepted to approve the updated Investment Policy Statement (IPS) for municipal employees voted by Board of Selectmen on 4/4/17 and known as Appendix C.

ARTICLE 13 – Unanimously accepted to transfer the sum of Five Hundred Dollars and Zero Cents (\$500.00) from the Arrest Warrant Services Account # 0909-000-5780-00 to the Police Overtime Account # 0001-210-5131-01 to cover costs incurred during the fiscal year..

ARTICLE 14 –Unanimously accepted to transfer from the Firearms Services Revolving Account #0910-000-5780-00 to the Police Overtime Account # 0001-210-5131-01 the sum of

Six Thousand Six Hundred Dollars and Zero Cents (\$6,600.00) to offset costs incurred during the fiscal year.

ARTICLE 15 – Passed Over for Further Information by Unanimous vote to raise and appropriate, borrow or transfer from available funds the sum of Fifty One Thousand Dollars and Zero Cents (\$51,000.00) to cover costs associated with the purchase of one police cruiser, as recommended by the Capital Improvement Planning Committee.

ARTICLE 16 – Passed Over for further Information by Unanimous vote to raise and appropriate, borrow or transfer from available funds the sum of Two Hundred Twenty Five Dollars and Zero Cents (\$225,000.00) for the purchase of a 2019 Elgin Pelican Street Sweeper with associated equipment, as recommended by the Capital Improvement Planning Committee.

ARTICLE 17 – Unanimously accepted to transfer the sum of Three Hundred Thousand Dollars and Zero Cents (\$300,00.00) from the Water Retained Earning Account #0061-000-3590-01 to Testing and Drilling Station #3 Account #0361-900-5840-00 for the purpose of testing and drilling of a new gravel packed well on the site of Water Pumping Station #3 on Schofield Avenue (emergency), as recommended by the Capital Improvement Planning Committee.

ARTICLE 18 – Unanimously accepted to repurpose the sum of Twelve Thousand Five Hundred Twenty Two Dollars and Fourteen Cents (\$12,522.14) from Article 12 of the May 2012 Annual Town Meeting- Dudley-Oxford Road Account # 0361-900-5825-00 and Forty Eight Thousand Two Hundred Fifteen Dollars and Ninety Three Cents (\$48,215.93) from Article 8 of the November 4, 2013 Town Meeting - Station 6 Pumps Account #0361-900-5832-00 for a total amount of Sixty Thousand Seven Hundred Thirty Eight Dollars and Seven Cents (\$60,738.07) to Pump Station Upkeep and Upgrades Account # 0361-900-5836-00, as recommended by the Capital Improvement Planning Committee.

ARTICLE 19 – Unanimously accepted to transfer the sum of Fifty Six Thousand Nine Hundred Dollars and Zero Cents (\$56,900.00) from the Sewer Retained Earnings Account #0060-000-3590-01 to the Infiltration Study Account # 0360-900-5780-19 for Phase II of the Department of Environmental Protection (DEP) mandated Inflow and Infiltration (I&I) Study, as recommended by the Capital Improvement Planning Committee.

ARTICLE 20 – Unanimously accepted to transfer the sum of Twenty Thousand Dollars and Zero Cents (\$19,900.00) from Retained Earnings Account #0060-000-3590-01 to the Radio Read Upgrade and Replace Account #0060-440-5810-02.

ARTICLE 21 – Unanimously accepted to transfer the sum of Sixteen Thousand Five Hundred Dollars and Zero Cents (\$16,500.00) from the Water Retained Earnings Account #0061-000-3590-01 to the Overtime Account #0061-450-5118-00 to cover the increase for weekend coverage due to union negotiations, which was not known at the time of the last budget.

The FAA deferred Article 22 to the Planning Board. Planning Board member Guy Horne stated that the Board had held a public hearing on this article and that all legal requirements were met.

Mr. Horne made a motion to accept Article 22 as written; the motion was seconded and was approved by unanimous vote.

ARTICLE 22 – Unanimously accepted to amend the “TOWN OF DUDLEY OFFICIAL ZONING MAP “as follows: Rezone from BUS-15 to RES-10 the properties along the northerly and westerly sidelines of Marshall Terrace described as Assessors’ Map 119, Lots 65, 64, 63, 54, 53, and 52.

The FAA deferred Article 23 to the Planning Board. Planning Board member Guy Horne stated that the Board had held a public hearing on this article and that all legal requirements were met. Mr. Horne made a motion to accept Article 23 as written; the motion was seconded and was approved by unanimous vote.

A scrivener’s error was corrected in Article 23; the word “wording” was changed to “working” in the first paragraph.

ARTICLE 23 – Unanimously accepted to amend the Zoning Bylaws, by enacting “Housekeeping” measures, such as correction of spelling and punctuation errors, correction of typographical errors, replacement of incorrect wording with correct wording, inserting missing information and wording, updating wording, and correcting other scrivener’s errors, etc., as follows:

(Unless otherwise described, language within the items noted below ~~in strikethrough is proposed to be deleted~~ and *language shown in bold and italics is proposed to be added.*)

- 1) Section **1.05.00 SEPARABILITY**: delete the word ~~**SEPARABILITY**~~ and replace with the word **SEVERABILITY**
- 2) Section **2.01.00 ZONING DISTRICTS**: For the purpose of this bylaw the Town of Dudley is hereby divided into the ~~six (6)~~ ***seven (7)*** major zoning district categories which are subdivided into ~~thirteen (13)~~ ***seventeen (17)*** zoning classifications
- 3) Section **2.01.01 Establishment of Districts**:
 - a) In the first sentence: The following districts are illustrated, defined and bounded on the map entitled “~~Zoning Map, Dudley, Massachusetts~~ ***Town of Dudley Massachusetts Official Zoning Map***” on file with the Town Clerk.
 - b) Add to the existing text as follows (*additional text is in Bold typeface and Italics*):

Conservation District
CON-Conservation (*see Section 3.01.00*)

Floodplain District

FPD-Floodplain (*see Section 3.02.00*)

Town Refuse Disposal District

TRFD-Town Refuse Disposal (*see Section 3.07.00*)

Overlay Districts

BUS-15 Business or General Residential Overlay District (along portions of West Main Street – see Official Zoning Map)

Mill Overlay District (see Section 3.10.00)

Adult Entertainment Overlay District (see Section 2.03.02 and Footnote 12, Section 2.03.03, thereunder)

Solar Overlay District (see Section 3.12.00)

- 4) Section **2.01.02 District Delineation**: In the last paragraph delete ~~Review~~ and replace with *Appeals*
- 5) Section **2.03.02 Use by District Chart**:
 - a) Add footnote number **16** to the use Large Ground-Mounted Solar Photovoltaic Installations (250kW and Greater) as follows:
 - Large Ground-Mounted Solar Photovoltaic Installations (250kW and Greater)¹⁶
- 6) Section **2.03.03 Footnotes**:
 - a) Add a new Footnote number 16 as follows:
 - ***16. Allowed by SPPB in the Solar Overlay District, as put forth in Section 3.12 of the Zoning Bylaws.***
- 7) Section **3.01.02 Use Regulation**: in the last sentence: delete the word ~~principals~~ and replace with the word *principles*.
- 8) Section **3.05.06 Application Procedure**: In the first sentence of paragraph D.1.a.c.:
Definitive Subdivision Plan –If the Special Permit is granted, the applicant shall submit a definitive subdivision plan, in conformity with Section 3, Subsection C of the Town of Dudley Rules and Regulations ~~Relating~~ ***Governing*** ~~to~~ the Subdivision of Land.
- 9) Section **3.05.07 Decision of the Planning Board**: in the first paragraph, delete the phrase ~~submittal of the completed application~~ and replace with the phrase ***the close of the public hearing.***
- 10) Section **3.10.03 Overlay District**:

- a) In the second sentence of the first paragraph, delete ~~superecede~~ and replace with ***supersede***
- b) In the third sentence of the first paragraph, delete the following words/phrases:

~~The MCOD shall consist of the following properties (properties are identified by assessor's map block lot number):~~

~~Former Steven's Linen/Toltec Property: [Old map/block/lot numbering style]~~

~~212/A 1 27/2 -008~~

~~212/B 1 37/6 -008/- 2/~~

~~213/A 8 13/9 -002~~

~~Former Steven's Linen Bleachery Property:~~

~~213/B 6 10/4 -010~~

~~Former Ethan Allen Property:~~

~~261/C 2 13/1 -007~~

And replace with the following:

The MCOD shall consist of the following properties (properties are identified by Assessor's map/lot number & address effective January 1, 2019):

Former Stevens Linen/Toltec Property:

117/120: 8 Mill Street

117/120.3: Mill Street

117/83: 9 Mill Street

Former Stevens Linen Bleachery Property:

117/76: Ardlock Place

Former Ethan Allen Property:

118/37: 35-37 Chase Avenue

Former Perry Yarn Factory/Packard Mill Property:

236/2: 137 Schofield Avenue

- 11) Amend Section **3.12.04 General Requirements for all Large-Scale Solar Power Generation Installations**: In the last sentence of paragraph C., delete the number 24 and replace with the number **20**.
- 12) Amend Section **3.15.05 Additional Requirements/Conditions**: In paragraph 5)d.: Delete the word ~~city~~ and replace with the word ***town*** and delete the word ~~City~~ and replace with the word ***Town***
- 13) Amend Section **5.01.02 Application Procedures**, seventh paragraph, to read as follows:

All meetings shall be public hearings and notice of such shall be given by publication in a newspaper of general circulation in the City once in each of two (2) successive weeks; the

first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in Town Hall for a period of not less than fourteen (14) days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by ~~certified~~ mail, postage prepaid. "Parties in interest" as used in this section shall mean the petitioner or applicant, abutters, owners of land directly opposite on any public or private street or way, and ~~owners of land abutters to the abutters~~ within three hundred (300) feet of the property line *of the petitioner or applicant* all as they appear on the most recent applicable tax list, ~~notwithstanding~~ *notwithstanding* that the land of any such owners is located in another city or town, *the Planning Board, and the planning board of every abutting city or town. The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The permit granting authority or special permit granting authority may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.* The required publications and notices shall contain the name of the petitioner *or applicant*, a description of the area or premises, street address, or other adequate identification *of the location, or the area or premises which is the subject* of the petition, the date and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested, in accordance with Massachusetts General Laws Chapter 40A, Section 11.

- 14) Amend Section **5.03.00 Planning Board Associate Member** as follows:
5.03.00 Planning Board Associate Member

A. Planning Board Associate Member

Pursuant to the provisions of M.G.L. C 40A, sec.9, the Planning Board ("Board"), may appoint an associate member to sit on the Board for the purpose of acting on a special permit application in the case of absence, inability to act or conflict of interest on the part of any member of the Board. Such associate member shall serve for a term of one (1) year.

B. Planning Board Acting as the Special Permit Granting Authority

When the Planning Board is designated in the zoning bylaws as the Special Permit Granting Authority (SPGA) for any use, the Planning Board shall follow the same procedures in acting on said special permit as those specified for the Zoning Board of Appeals in Sections 5.01.01.b, 5.01.02, 5.01.04, and 5.01.06 of this bylaw.

- 15) Amend Section **5.04.09 Enforcement of an Approved Site Plan**: In paragraph F. delete the phrase ~~Mass. Gen. L. ch. 40A, &17~~ and replace with the phrase *Massachusetts General Laws Chapter 40A Section 17*, and delete the word ~~By-Law~~ and replace with the word *Bylaws*.

The Moderator began to read Article 24 into the record including a proposed amendment regarding the definition of Accessory Use Apartment by adding the phrase ***the other unit.*** following the words ***directly into*** at the end of the definition of the term Accessory Use Apartment.

Selectman Paul Joseph called for a point of order and asked if it were possible to ask for unanimous consent to dispense with the reading of Article 24. The Moderator agreed and asked for unanimous consent to dispense with reading the remainder of Article 24; seeing no objection, it was so moved.

The Moderator recognized the Planning Board member Guy Horne who stated that the Board had held a public hearing on this article and that all legal requirements were met. Mr. Horne made a motion to accept Article 24 as printed in the warrant, with the amendment as read by the Town Moderator. The motion was seconded and was approved by unanimous vote.

ARTICLE 24 – Unanimously accepted to amend the Zoning Bylaws by adding provisions for Accessory Use Apartments and amending the definition of Two Family/Duplex Home, as follows:

(Unless otherwise indicated, language within the items noted below ***shown in bold and italics are proposed to be added.***)

- 1) Amend Section **2.03.02 Use by District Chart**, ACTIVITY OR USE, ACCESSORY USES, by inserting a new accessory use entitled ***Accessory Use Apartment***, as follows:

	<u>DISTRICT⁹</u>									
	RES	RES	RES	RES	RES	BUS	IND	IND	LI	LI
ACTIVITY OR USE	10	15	30	43	87	15	43	130	43	87
<u>ACCESSORY USES</u>										
<i>Accessory Use</i>										
<i>Apartment:</i>	<i>p18, 19</i>	<i>p18, 19</i>	<i>p18, 19</i>	<i>p18, 19</i>	<i>p18, 19</i>	<i>p18, 19</i>	<i>p17, 18, 19</i>	<i>p17, 18, 19</i>	<i>p17, 18, 19</i>	<i>p17, 18, 19</i>

- 2) Amend Section 2.03.03 Footnotes as follows:

Add a new Footnote number 17 as follows:

- ***17. Allowed only for lawfully preexisting nonconforming single-family homes in these districts; new single-family homes are a prohibited use in the IND 43, IND 130, LI 43, and LI 87 districts.***

Add a new Footnote number 18 as follows:

- ***18. Addition of an Accessory Use Apartment to an existing single-family home is allowed provided that evidence of multiple occupancy is not visible or apparent from the street front and that the gross habitable space (as gross habitable space is defined in the Massachusetts Building Code) of the Accessory Use Apartment is at least Four Hundred (400) square feet but not more than nine hundred (900) square feet.***

And add a new Footnote number 19 as follows:

- ***19. The principal single-family home and the accessory use apartment shall be held in the same ownership, and the owner of the single-family home must occupy one of the living areas.***

3) And amend **SECTION VI, DEFINITIONS, 6.01.00 PURPOSE, 6.01.01 Definitions Listing**, by:

Adding the following definition of the term **Accessory Use Apartment**:

- ***Accessory Use Apartment – A living area within a single-family home that typically has its own kitchen and bathroom facilities that are not shared with the principal home, but does have an entry way from one unit directly into the other unit.***

And adding the following additional phrase to the existing definition of the term **Two-family / Duplex Home**:

- ***Two-family / Duplex Home – A free standing building exclusively for residential use by two families, but not more than two families. A Two-family / Duplex Home shall consist of two separate dwelling units, each with its own kitchen and bathroom facilities, and with each unit having its own two separate entrances and exits, with no interconnection of the two units.***

ARTICLE 25 – As declared by the Moderator, it was Passed Over For Further Information by Majority Vote to raise and appropriate, borrow or transfer from available funds the sum of Twenty Four Thousand Six Hundred and Zero Dollars (\$24,600.00) for twelve (12) sets of fire gear, the fourth year of a four year replacement plan.

ARTICLE 26- Passed Over For Further Information by Unanimous vote to raise and appropriate, borrow or transfer from available funds a sum of Twelve Thousand Dollars (\$12,000.00) to fund one fifth (1/5) of the cost of triennial re-certification of real estate and personal property values for FY2023 as required by the Commonwealth.

The FAA made a motion to accept Article 27 and that the sum of \$589.00 from the Stabilization Fund to the Town Clerk's Genealogy Expense Account #0911-000-5780-00 (Scriveners error in warrent/account number corrected). The motion was seconded and accepted by unanimous vote.

ARTICLE 27 – Unanimously accepted to transfer from the Stabilization Fund the sum of Five Hundred Eighty-Nine Dollars and Zero Cents (\$589.00) to the Town Clerk’s Genealogy Expense Account #0911-000-5780-00.

The Moderator asked for unanimous consent to dispense with the reading of Article 28. Seeing no objection, it was so moved.

The FAA deferred Article 28 to the Town Clerk. The Town Clerk made a motion to amend Section 1, paragraph G and further amend Section 3, paragraph D, subsection 1 by deleting the phrase “more than three (3) dogs or three (3) cats” and replacing it with “more than four (4) dogs or four (4) cats”; the motion was seconded and approved.

ARTICLE 28 – Unanimously accepted as amended to amend the Animal Control By-Law relative to Kennels, as follows:

(Unless otherwise described, language within the items noted below ~~in strikethrough is proposed to be deleted~~ and *language shown in bold and italics is proposed to be added*).

ARTICLE 27 ANIMAL CONTROL BY-LAWS

Section 1. DEFINITIONS

~~D "COMMERCIAL KENNEL" - "One pack or collection of dogs or cats maintained on a single premise, whether maintained for breeding, boarding, training, adoption or sale."~~

D. "COMMERCIAL BOARDING OR TRAINING KENNEL" - An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.

~~E "RESIDENTIAL KENNEL" - More than three (3) dogs or three (3) cats over the age of six (6) months of age kept for the sole purpose of being household pets in a single private residence.~~

E. “COMMERCIAL BREEDER KENNEL” - “An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.”

F. “DOMESTIC CHARITABLE CORPORATION KENNEL” – A facility operated, owned or maintained by a domestic charitable corporation registered with the department or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane

treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.

G. "PERSONAL KENNEL - A pack or collection of more than four (4) dogs or four (4) cats over the age of six (6) months-owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit. The number of litters permitted shall be limited to four (4) per licensing year regardless of the number of adult dogs approved for the Personal Kennel.

H. "KENNEL: - A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

Re-letter sections below accordingly.

F I. "LICENSE PERIOD" - The time between January 1 and December 31, both dates inclusive.

G. J. "ANIMAL CONTROL OFFICER" - Any officer appointed by the Board of Selectmen to enforce the laws relating to dogs or cats or other animals.

H. K. "K-9 LAW ENFORCEMENT DOG" – a certified dog trained specifically to assist law enforcement with their duties and responsibilities.

I. L. "SERVICE ANIMAL" - any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

Section 2. DOGS REQUIRED TO BE LEASHED

A. No owner or keeper of a dog shall permit such dog, whether licensed or unlicensed, to run-at-large within the Town of Dudley. No person shall permit a dog owned or kept by him beyond the confines of the property of the owner or keeper unless a leash, which

shall not exceed ~~ten (10)~~ **six (6)** feet in length or up to twenty-five (25) feet if the leash is retractable, physically restrains the dog.

~~D, ——— This section was disapproved by the Attorney General and deleted in its entirety.~~

Re-letter sections below accordingly.

~~E. D.~~ This section shall not apply to property owned and/or controlled by the Commonwealth of Massachusetts where a separate set of rules and regulations apply.

~~F. E.~~ A dog may for the purpose of events such as working, hunting, field trails or training purposes be exempt from the restraining order during such period of time as the dog is actually engaged in the event or sport, provided the dog is under the direct supervision of a person to properly control its action.

Section 3. LICENSE REQUIREMENTS, VACCINATION, FEES, EXCEPTIONS

C. Veterinarian's Certification. The Town Clerk shall not issue any license including ~~residential~~ ***personal*** kennels unless the owner or keeper provides either a veterinarian's certification that such dog has been vaccinated against rabies by a licensed veterinarian, therein, provided, or a notarized letter from a veterinarian that a certification was issued.

D. Commercial & Residential Kennels: ~~***KENNEL:***~~

1. Any owner or keeper of more than four (4) dogs or four (4) cats must acquire a ~~residential~~ ***personal*** kennel license and is subject to the Dudley Zoning by-Laws.
(~~**Bold italics voted on 11/4/2013 and designated as Article 27, Sec. 3, paragraph C in error**~~)
2. ~~Commercial~~ ***All*** Kennels must be fully licensed pursuant to the provisions of M.G.L. Chapter 140 and subject to Dudley's Zoning By-laws.
3. ~~Each residential kennel and commercial~~ ***All*** kennels shall be available to inspection by the Animal Control Officer, a Natural Resource Officer, Fish and Game Warden, Police Officer or the Board of Health.

F. Fees. The annual fee for every animal license, ~~residential kennel and commercial~~ kennel license and all fines relevant to dog control shall be as follows:

2. Annual Dog Fee. The fee for all dogs (male, neutered, female, spayed) ***and kennels*** shall be as established by the Board of Selectmen.

~~3. Residential Dog Kennel License: Fifty (\$ 50.00) Dollars~~

~~4. Commercial Dog Kennel License: Seventy-Five (\$75.00) Dollars.~~

~~5. Commercial or Residential Cat Kennel License: Fifty Dollars (\$50.00).~~

Renumber 6, 7 and 8 to read #'s 3, 4, and 5.

3. No fee shall be charged for a license for a K-9 Police Dog or a Service Animal as defined in Section 1 of this by-law. The individual who is responsible for a K-9 Police Dog must provide a written statement from the law enforcement unit stating that the dog is actively working. The owner of a Service Animal must show written evidence that the animal is a service dog.

4. No license fee shall be refunded in whole or in part for any reason.

5. There shall be no license fee for the first or second dog owned by persons aged 70 and older as of January 1st of the licensing year. Each additional dog shall be licensed and pay the fee in accordance with this section. This section shall not apply to ~~residential or commercial~~ kennel licenses. ~~This by-law will be effective January 1, 2017.~~

H. Failure to License. Should any owner or keeper of an animal fail to license that animal as required under M.G.L. Chapter 140 before April, 1, the owner or keeper shall pay a late fee of ten (\$10.00) Dollars before obtaining said license, except a dog brought into the Town as provided by M.G.L. Chapter 140, Section 138. This late fee shall be applicable from the 61st day after the arrival of such dog. Any person maintaining a ~~commercial~~ kennel in the Town of Dudley who fails to license as prescribed by this section and the laws of the Commonwealth, shall pay a late fee of fifty (\$50.00) Dollars, commencing April 1. Any owner or keeper of a dog failing to license by June 15th in any year shall be subject to a fine of Twenty-Five (\$25.00) Dollars per dog. ~~in addition to the license fee upon the complaint of the dog officer or Town Clerk.~~ Any person maintaining a ~~Commercial~~ Kennel who fails to license by June 15th in any year shall be subject to a fine of Seventy-Five (\$75.00) Dollars upon the complaint of the dog officer or Town Clerk. ***All late fees and fines are in addition to the license fee upon the complaint of the dog officer or Town Clerk.***

Section 4. RABIES CONTROL

(Paragraph 2.)

Those dog owners found in violation of the rabies requirement of Massachusetts General Laws Chapter 140, Section 145B, shall, at the owner's expense, have their dogs properly vaccinated by a licensed veterinarian within ten (10) days of said violation and will receive a fine of ~~twenty five dollars (\$25.00)~~ ***fifty dollars (\$50.00).***

Section 11. ENFORCEMENT/PENALTIES (Paragraph C; Subsections 4 & 5)

C. Any owner or keeper who:

(4) is the owner/keeper of an animal found to have bitten or injured any person, dog or other animal may be penalized by non-criminal disposition as provided in M.G.L. Chapter 40, section 21D, and shall be punished by the imposition of fines as follows:

- a) A fine of ~~\$25.00~~ **\$50.00** for the first offense.
- b) A fine of ~~\$50.00~~ **\$75.00** for the second offense
- c) A fine of \$100.00 for the third offense and each subsequent offense.

(5) failure to obtain dog license will be subject to a \$50.00 fine per dog

Fines not to exceed Five Hundred (\$500.00) Dollars ***in a licensing year.***

Section 12. REDEMPTION OF DOGS AND ANIMALS

- A. Redemption of Impounded Dogs and Animals: The owner or keeper of any dog or animal impounded under the provisions of the by-law may redeem such dog or animal provided he first reimburse the Animal Control Officer for his/her expenses at the rate of ~~not more than Twenty Five (\$25.00)~~ **Thirty (\$30.00)** Dollars per handling of such dog or animal, plus Ten (\$10.00) Dollars for each day, or portion thereof that he/she has confined such dog or animal and procures from the Town Clerk's office a license and tag for any such dog or animal that is not licensed, if required.

~~**Section 15. The effective date of this by-law shall be Sept. 1, 2000.**~~

The FAA deferred Article 29 to the Planning Board. Planning Board member Guy Horne stated that the Board had held a public hearing on this article and that all legal requirements were met. Mr. Horne made a motion to amend the first sentence in the definition of Personal Kennel : the words "three (3)" will be changed to "four (4)" and the words " four (4) be inserted after the word or and before the word over; the motion to amend was seconded and was approved by unanimous vote.

The Moderator recognized Selectman Steven Sullivan who questioned why Commercial Breeder Kennel was not a permitted use in any zone. Planning Board member Guy Horne stated that Article 24 was drafted along with the Town Clerk and the Animal Control Officer whose recommendation it was not to permit this particular use in any zone.

After some discussion, the Moderator recognized John Briare who made a motion to amend Section 2.03.02 District Chart, Activity or Use under Commercial Breeder Kennel changing the use from NP to SP under the following zones: BUS 15; IND 43; IND 130; LI 43; LI 87. The motion to amend was seconded and approved by unanimous vote.

ARTICLE 29 – Unanimously approved as amended to amend the Zoning Bylaws relative to Kennels, as follows:

(Unless otherwise described, language within the items noted below ~~in strikethrough is proposed to be deleted~~ and ***language shown in bold and italics is proposed to be added.***)

- 1) Amend Section **2.03.02 Use by District Chart**, ACTIVITY OR USE, RESIDENTIAL, Licensed Residential Animal Kennel, by deleting the words ~~Licensed~~, ~~Residential~~, and ~~Animal~~, and inserting in their place the word ***Personal***, as follows:

	<u>DISTRICT⁹</u>									
	RES	RES	RES	RES	RES	BUS	IND	IND	LI	LI
ACTIVITY OR USE	10	15	30	43	87	15	43	130	43	87
<u>RESIDENTIAL</u>										
Licensed Residential										
<i>Personal</i>										
Animal Kennel	P ^{13/14}	P ^{13/14}	P ^{13/14}	P ^{13/14}	P ^{13/14}	P	P	P	P ^{13/14}	P ^{13/14}

- 2) Amend Section **2.03.02 Use by District Chart**, ACTIVITY OR USE, COMMERCIAL, Animal Kennel or Hospital, as follows, by:
- deleting the word ~~Kennel~~, and inserting in its place the words ***or Veterinary Clinic***, and
 - modifying said Chart relative to this use within the respective zoning districts.

	<u>DISTRICT⁹</u>									
	RES	RES	RES	RES	RES	BUS	IND	IND	LI	LI
ACTIVITY OR USE	10	15	30	43	87	15	43	130	43	87
<u>COMMERCIAL</u>										
Animal Kennel <i>or Veterinary Clinic</i> or Hospital	NP	NP	NP	SP	NP	SP	NP	P	SP	NP

- 3) Amend Section **2.03.02 Use by District Chart**, ACTIVITY OR USE, COMMERCIAL, as follows, by:
- adding the uses ***Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, and Veterinary Kennel***, and
 - adding to said Chart relative to these uses within the respective zoning districts.

	<u>DISTRICT⁹</u>									
	RES	RES	RES	RES	RES	BUS	IND	IND	LI	LI
ACTIVITY OR USE	10	15	30	43	87	15	43	130	43	87
<u>COMMERCIAL</u>										
<i>Commercial Boarding or Training Kennel</i>	NP	NP	NP	NP	NP	SP	P	P	SP	SP

Commercial Breeder Kennel *NP* *NP* *NP* *NP* *NP* *SP* *SP* *SP* *SP* *SP*

Domestic Charitable Corporation Kennel *NP* *NP* *NP* *NP* *NP* *SP* *P* *P* *SP* *SP*

Veterinary Kennel *NP* *NP* *NP* *NP* *NP* *SP* *P* *P* *SP* *SP*

4) Amend Section **2.03.03 Footnotes**, footnote number 13 by deleting the words ~~residential animal~~, and inserting in their place the word ***personal***, as follows:

- 13 Limitations of ~~residential animal~~ ***personal*** kennels must be applied in a manner consistent with the protections accorded to agriculture under G.L. c. 40A, §3.

5) And amend **SECTION VI, DEFINITIONS, 6.01.00 PURPOSE, 6.01.01 Definitions Listing**, as follows, by:

- a. modifying the existing term Animal Kennel or Hospital by deleting the word ~~Kennel~~ and inserting in its place the phrase ***or veterinary clinic*** and modifying its definition by deleting the phrase ~~harboring~~, and inserting in its place the word ***medical*** and by removing the phrases ~~more than three~~ and ~~that are more than six months old~~
- b. adding the terms ***Animal Control Officer, Kennel, Commercial Boarding or Training Kennel, Commercial Breeder Kennel, Domestic Charitable Corporation Kennel, Personal Kennel, and Veterinary Kennel***, and their definitions, and
- c. deleting the existing term Licensed Residential Animal Kennel and its definition in their entirety,

Animal Control Officer – *Any officer appointed by the Board of Selectmen to enforce the laws relating to dogs or cats or other animals.*

Animal Kennel or Veterinary Clinic or Hospital – A structure used for the ~~harboring~~, ***medical*** care and or hospitalization of ~~more than three~~ dogs, cats or other animals ~~that are more than six months old~~, operated for commercial purposes.

Kennel – *A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel. The following are types of kennels:*

- **Commercial Boarding or Training Kennel** – *An establishment used for boarding, holding, day care, overnight stays or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided, however, that “commercial boarding or training kennel” shall not include an animal shelter or animal control facility, a pet shop licensed under Section 39A of Chapter 129 of the General Laws, a grooming facility operated solely for the purpose of grooming and not for overnight boarding or an individual who temporarily, and not in the normal course of business, boards or cares for animals owned by others.*
- **Commercial Breeder Kennel** – *An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.*
- **Domestic Charitable Corporation Kennel** – *A facility operated, owned or maintained by a domestic charitable corporation registered with the Massachusetts Department of Agricultural Resources or an animal welfare society or other nonprofit organization incorporated for the purpose of providing for and promoting the welfare, protection and humane treatment of animals, including a veterinary hospital or clinic operated by a licensed veterinarian, which operates consistent with such purposes while providing veterinary treatment and care.*
- **Personal Kennel** – *A pack or collection of more than four (4) dogs or four (4) cats over the age of six (6) months-owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit. The number of litters permitted shall be limited to four (4) per licensing year regardless of the number of adult dogs approved for the Personal Kennel.*
- **Veterinary Kennel** – *A veterinary hospital or clinic that boards dogs for reasons in addition to medical treatment or care; provided, however, that “veterinary kennel” shall not include a hospital or clinic used solely to house dogs that have undergone veterinary treatment or observation or do so only the period of time necessary to accomplish that veterinary care.*

~~**Licensed Residential Animal Kennel** – A structure used for the harboring of more than three dogs, cats or other animals that are more than six months old operated for pleasure purposes.~~

ARTICLE 30 – As declared by the Moderator, it was accepted by Majority vote to adopt Massachusetts General Laws Chapter 148 Section 26H – every lodging house or boarding house shall be protected throughout with an adequate system of automatic sprinklers in accordance with the provisions of the state building code. No such sprinkler system shall be required unless sufficient water and water pressure exists in such buildings or in certain areas of such buildings, where the discharge of water would be an actual danger in the event of a fire, the head of the fire department shall permit the installation of such other fire suppressant systems as are prescribed by the state building code in lieu of automatic sprinklers. The head of the fire department shall enforce the provisions of this section.

For the purpose of this section “lodging house” or “boarding house” shall mean a house where lodgings are let to six (6) or more persons not within the second degree of kindred to the person conducting it, but shall not include fraternity houses or dormitories, rest homes or group residences licensed or regulated by agencies of the Commonwealth.

Any lodging or boarding house subject to the provisions of this section shall be equipped with automatic sprinklers within five (5) years after acceptance of this act by the Town. Whoever is aggrieved by the head of the fire department’s interpretation, order, requirement or discretion under the provisions of this section, may within forty-five days after the service of notice thereof, appeal from such interpretation, order or requirement to the board of appeals of the fire safety commission as provided in section two hundred and one of chapter six.

ARTICLE 31 – Unanimously accepted to supplement the FY 2019 budget and to transfer from the Capital Stabilization Account #0803-000-5785-00 the sum of Fifty Six Thousand Twenty Dollars and Forty Three Cents (\$56,020.43) to the Maturing Debt Account #0001-145-5910-02 for the purpose of paying debt and interest associated with the new Ambulance.

ARTICLE 32 – Unanimously accepted to supplement the FY 2020 budget and to transfer from the Capital Stabilization Account #0803-000-5785-00 to the Maturing Debt Account #0001-145-5910-02 the sum of Forty Five Thousand Six Hundred Dollars and Zero Cents (\$45,600.00) for the purpose of paying debt and interest associated with the new Ambulance.

ARTICLE 33 – Unanimously accepted to transfer the care, custody and control of a portion or portions of the Town-owned property located at 20 Mason Road and described in a deed recorded with the Worcester South Registry of Deeds in Book 1916, Page 62, from the board or officer having custody thereof for the purposes for which it is held, including water, sewer, and/or school purposes, to the same board or officer for the foregoing purposes and to the Board of Selectmen for the purpose of conveying a permanent easement or easements thereon, and, further, authorize the Board of Selectmen to grant access, utility and/or other easement on such terms and conditions and for such consideration, which may be nominal consideration, as the Board of Selectmen deems appropriate.

The FAA deferred Article 34 to the Petitioner. Planning Board member Guy Horne approached the microphone and stated that because it was a zoning article, the Board had held a public hearing on this article and that all legal requirements were met. Mr. Horne directed the voting body’s attention to the handout titled “Planning Board Report and Recommendations to the May 20, 2019 Annual

Town Meeting” which read as follows: Approve Article 34 as modified as set forth below, language in strikethrough is recommended to be deleted from the Citizens’ Petition/Warrant Article and ***language shown in bold and italics is recommended to be added to the language of the Citizens’ Petition/Warrant Article***

The purpose of this article is to amend 3.12.00 Large Scale Solar Photovoltaic by-law:

3.12.02 Applicability

This bylaw applies to large-scale ground-mounted solar photovoltaic installations, as defined herein, proposed to be constructed after the effective date of this bylaw. This bylaw also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment as determined by the Building Inspector or their designee.

In accordance with the Massachusetts Department of Energy Resources Model for siting of Large Ground-Mounted Solar Photovoltaic Installations which discourages locations that result in significant loss of land, including farm and forest land, the use of Solar Overlay Districts are prohibited in Residential Districts (RES 10, RES 15, RES 30, RES 43, and RES 87), Commercial Districts (BUS 15), Light Industrial (LI 43 and LI 87), Conservation Districts, ~~Historical Districts~~ and Floodplain District. Large Ground-Mounted Solar Photovoltaic Installations are allowed as of right in the Industrial Districts and IND 43 and IND 130 and the Town Refuse Disposal District.

This by-law is not intended to regulate systems of less than 250KW or roof-mounted systems. It is not intended to regulate systems that are consumptive power systems where all power that is generated is utilized to power onsite operations.

Mr. Horne stated further that the above amendment was recommended by Town Counsel and made a motion to approve Article 34 with the amendments; the motion was seconded.

Selectman Steven Sullivan was recognized; he questioned if the proposed amendments would change the intent of the article. Secondly he stated that the Selectmen had voted 4-0 in their meeting not to support this article and asked that the motion be defeated. If that is not successful, the Selectmen ask that the article be passed over for further information.

Selectman Paul Joseph was recognized and stated that the FAA did not make a recommendation and a motion but yielded to the Petitioner. Planning Board member Guy Horne then got up. Selectman Paul Joseph asked if the Planning Board was the petitioner for Article 34. After the Moderator replied that the Planning Board was not the petitioner, Selectman Paul Joseph for a ruling from Town Counsel to determine whether that was appropriate. After a brief consultation with Town Counsel, the Moderator stated that the Planning Board held the public hearing and is representing the information from that public hearing that the petitioner brought forth. The petitioner could approach the microphone and make a statement such as “I agree with the motion by the Planning Board. Selectman Joseph stated is objection for the record.

Petitioner Mary Sansoucy was recognized by the Moderator. Ms. Sansoucy made a motion to approve Article 34 as presented by the Planning Board; the motion was seconded.

Discussion on the article ensued; many people spoke for and against the acceptance of Article 34. The Moderator was asked to move the question. The Moderator closed discussion and the motion to amend was brought to a vote.

ARTICLE 34 – As declared by the Moderator, it was accepted by 2/3 Majority Vote to amend 3.12.00 – Large Scale Solar Photovoltaic By-Law –

3.12.02 Applicability

This bylaw applies to large-scale ground-mounted solar photovoltaic installations, as defined herein, proposed to be constructed after the effective date of this bylaw. This bylaw also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment as determined by the Building Inspector or their designee.

In accordance with the Massachusetts Department of Energy Resources Model for siting of Large Ground-Mounted Solar Photovoltaic Installations which discourages locations that result in significant loss of land, including farm and forest land, the use of Solar Overlay Districts are prohibited in Residential Districts (RES 10, RES 15, RES 30, RES 43, and RES 87), Commercial Districts (BUS 15), Light Industrial (LI 43 and LI 87), Conservation Districts, ~~Historical Districts~~ and Floodplain District. Large Ground-Mounted Solar Photovoltaic Installations are allowed as of right in the Industrial Districts and IND 43 and IND 130 and the Town Refuse Disposal District.

This by-law is not intended to regulate systems of less than 250KW or roof-mounted systems. It is not intended to regulate systems that are consumptive power systems where all power that is generated is utilized to power onsite operations.

Selectman Sullivan made a motion to adjourn. The motion was seconded and unanimously accepted.

Brought to order at 7:11 p.m.

Adjourned: 9:34 p.m.

Voters Present: 84

Action Taken on Articles: 1-34

A True Copy.

Attest: 

Ora E. Finn, CMMC, Dudley Town Clerk